

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re:

BH S&B HOLDINGS LLC, et al.,

Debtors.

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: Chapter 11

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: Case No.: 08-14604 (MG)

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: Jointly Administered

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X

**ORDER GRANTING JOINT MOTION OF DEBTORS AND COMMITTEE TO SET  
EXPEDITED HEARING ON EMERGENCY JOINT MOTION OF DEBTORS AND  
COMMITTEE FOR APPROVAL OF STIPULATION AND AGREED ORDER  
AMONG DEBTORS, COMMITTEE, AND LENDERS SETTling VARIOUS  
DISPUTES AND PROVIDING FOR DISTRIBUTION OF CERTAIN DEBTORS'  
FUNDS AND PAYMENT OF ADMINISTRATIVE AND OTHER EXPENSES**

Upon the joint motion, dated September 4, 2009 (the "Motion")<sup>1</sup> of the Debtors and the Committee to shorten the notice period with respect to the Emergency Joint Motion; and the Court having jurisdiction to consider the Motion and the relief requested therein in accordance with 28 U.S.C. §§ 157 and 1334; and the Court having found that good and sufficient cause exists for granting the Motion; and upon the record of these Chapter 11 cases; and it appearing that the relief requested in the Motion by the Debtors and the Committee is appropriate in the context of these cases and in the best interests of the Debtors and their respective estates, creditors, and all other parties-in-interest; and it appearing that notice of the Motion was adequate and proper under the circumstances of these cases, and it appearing that no other or further notice need be given; it is hereby

ORDERED that the Motion is granted as set forth herein; and it is further

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<sup>1</sup> Capitalized terms not otherwise defined herein shall have the meanings ascribed to them in the Motion.

ORDERED that, pursuant to Bankruptcy Rules 2002(a)(2), 9006(c), and 9007, a hearing (the “Hearing”) to consider the relief requested in the Joint Emergency Motion shall be held on **September 15, 2009, at 11:00 AM (Prevailing Eastern Time)** in the courtroom of the Honorable Martin Glenn, United States Bankruptcy Court for the Southern District of New York, Courtroom 501, One Bowling Green, New York, NY 10004-1408; and it is further

ORDERED that objections, if any, to the relief requested in the Emergency Joint Motion must (i) be in writing, state the name of the objector, identify its interest in these cases, and set forth the grounds for the objection and the legal basis therefor and (ii) be filed with this Court (with two courtesy copies delivered to Chambers) and served in a manner so as to be actually received by the following parties, together with proof of service, on or before **September 11, 2009, at 4:00 PM (Prevailing Eastern Time)** (the “Objection Deadline”): (a) counsel to the Debtors, Cahill Gordon & Reindel LLP, Eighty Pine Street, New York, New York 10005 (Attn: Joel H. Levitin, Esq.); (b) the United States Trustee, 33 White Hall Street, Suite 2100, New York, New York 10004 (Attn: Paul Schwartzberg, Esq.); (c) counsel to the Committee, Arent Fox LLP, 1675 Broadway, New York, New York 10019 (Attn: Schuyler G. Carroll, Esq., and Robert M. Hirsch, Esq.); and (d) counsel to the Lenders, Klee, Tuchin, Bogdanoff & Stern LLP, 1999 Avenue of the Stars, Thirty-Ninth Floor, Los Angeles, CA 90067-6049 (Attn: Michael L. Tuchin, Esq.); and it is further

ORDERED that no further or additional notice of the Hearing or the Objection Deadline is necessary or required; and it is further

ORDERED that the Debtors are authorized to take all actions necessary to effectuate the terms of this Order; and it is further

ORDERED that the terms and conditions of this Order shall be immediately enforceable and effective upon its entry; and it is further

ORDERED that this Court shall retain jurisdiction to hear and determine all matters arising from the implementation of this Order.

Dated: New York, New York  
September 10, 2009

/s/ Martin Glenn  
UNITED STATES BANKRUPTCY JUDGE